

Committee and our chair, Senator BOB MENENDEZ, for hosting—along with the House Foreign Affairs Committee—yesterday a very successful reception in the Russell Office Building where 50 African heads of state and heads of government were received. It was a successful event and an important kickoff to a 3-day U.S.A.-Africa summit currently being led by the President and Secretary of Commerce.

#### ORDERS THROUGH MONDAY, SEPTEMBER 8, 2014

Mr. COONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for a pro forma session only, with no business conducted, on Friday, August 8, at 9:15 a.m.; that when the Senate adjourns on Friday, it adjourn under the provisions of H. Con. Res. 112 until Monday, September 8, 2014 at 2 p.m.; that on Monday, September 8, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, there be a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; further, that at 5:30 p.m. the Senate proceed to executive session, resume consideration of Executive Calendar No. 848, and immediately proceed to vote on confirmation of the Pryor nomination, as provided under the previous order.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

#### PROGRAM

Mr. COONS. Mr. President, on Monday, September 8, 2014, at 5:30 p.m., there will be at least three rollcall votes on confirmation of the Pryor nomination to be U.S. circuit judge for the Eleventh Circuit; confirmation of the Aaron nomination to be a member of the Social Security Advisory Board; and a cloture vote on the motion to proceed to S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States on campaign finance reform. There will be voice votes on the Cohen and Chen nominations for the Social Security Advisory Board.

#### ORDER FOR ADJOURNMENT

Mr. COONS. If there is no further business to come before the Senate, I ask that it adjourn under the previous order following the remarks of Senator SESSIONS for up to 40 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alabama.

#### IMMIGRATION POLICY

Mr. SESSIONS. Thank you, Mr. President. The facts are plain, colleagues. The immigration policies of President Obama are having a devastating effect on the classical American goal of a fair and lawful system of immigration, one that serves our national interest. He has directed the Federal immigration officers not to enforce plain law. He meets privately with pro-amnesty, open borders, and special interest business groups and promises to take even more actions in the future to erase plain law. Unfortunately, our fine law enforcement officers are excluded from the discussion. I have asked that they be involved for years now, and the President has flatly refused.

The President's actions evidence no policy or guiding principle that is sustainable. Now the heretofore largely covert actions by the President are open and blatant, and he has announced them. He has told the world that with the stroke of his pen he will, by Presidential directive, by Executive order, provide legal status to 5 to 6 million people unlawfully in the country today—all this contrary to long established law. But there is more. He has said he will issue, in effect, legal identification cards and work authorization.

Surely we know the President cannot make law. Congress makes law. As Chief Executive, the President executes, carries out, and enforces law. This we learned in grade school. This constitutional construct is not a small matter; it is the mechanism by which this Nation conducts its governmental business. Through this method, the people control their government.

Allowing any President to nullify law is a threat to the future of our Republic and to the ultimate power of the people to control it. That is why I have urged the President to reconsider this point and to adhere to his plain statements, where he has expressly stated he did not have the power to do what he now—in a complete reversal—states he will do.

On November 25, 2013, less than a year ago, he stated: “If, in fact, I could solve all these problems without passing them through Congress, I would do so. But we’re also a nation of laws.”

On March 28, 2011, President Obama said:

With respect to the notion that I can just suspend deportations through executive order, that’s just not the case. There are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system that for me to simply through executive order ignore those congressional mandates would not conform with my appropriate role as President.

Again, on September 28, 2011, he said:

I just have to continue to say this notion that somehow I can just change the laws unilaterally is just not true. We are doing ev-

everything we can administratively. But the fact of the matter is there are laws on the books that I have to enforce. And I think there’s been a great disservice done to the cause of getting the DREAM Act passed and getting comprehensive immigration passed by perpetrating the notion that somehow, by myself, I can go and do these things. It’s just not true. But we live in a democracy. You have to pass bills through the legislature, and then I can sign it.

That is true. Every schoolchild knows that. But what is happening today? The President is saying something quite different.

It is important for Congress to stand and resist the complete erosion of its powers—and even more significantly, the powers of the American people—and see that our laws are carried out effectively.

I know this is a somewhat postmodern time where many believe words have no meaning except as they advance one’s agenda of the day, but such approaches are wholly inconsistent with the founding concepts of America. We were founded on the belief that words do have meaning, that sound principles must be adhered to, and that truth is real and must be sought.

While we debate many issues, and good people can disagree, surely we can all agree that at this moment we are in the Senate Chamber and that there is daylight outside. Those are not matters for debate or else we are, indeed, through the “looking glass.” Likewise, it is surely not a matter of debate—among Democrat or Republican—that the President cannot make or nullify law. He cannot do that. Thus, we must in unity call on President Obama not to go through with his stated desire which would eviscerate long and clearly established American immigration law. What law might the next President ignore, bend, or nullify?

It is said that he has ordered his lawyers and officials to tell him how he may carry out such actions before the end of the summer. Apparently he did not ask them whether he had such power; he just ordered them to develop a plan to do that which the law does not allow.

Mr. President, frustration and pique can result in hasty and unwise decisions. Please do not do this.

To the officials and lawyers who have received this directive from the President, you must always remember that your first duty is to the Constitution and the Nation and its laws. There will be times when you have the duty to say no.

Lawyers at the Departments of Justice and Homeland Security are going to be asked how they can carry out the President’s plan that he previously said he had no authority to do. They are also challenged. Their duty is to say no. And sometimes you have to resign your office.

Just imagine, this past Sunday—2 days ago—White House adviser Dan Pfeiffer repeated the Obama administration’s warning of an impending Executive action on immigration. Mr.

Pfieffer said this action would come at “the end of the summer.” According to repeated and multiple news reports, these Executive actions could provide administrative legal papers and work permits for up to 5 to 6 million immigrants in clear contravention of Federal law. If these actions are taken, we will have effectively opened the borders of America. We are nearly there already.

Consider that millions of people come every year to America on visas. Currently, if you overstay a visa, there is no legal consequence today. No one is going to come and get you. No one even clocks if you come in or if you leave. If you get a student visa and drop out of school, or if you come to work on a visa and it expires, or if you just come on a tourist visa and never leave, nobody checks, nobody asks these individuals to leave.

The Congressional Budget Office said, in analyzing the Gang of 8 bill that came through the Senate, that as much as 40 percent of the illegality in America today is a result of visa overstays. They also projected that was going to increase in the years to come.

If you get past the Border Patrol at the border and somehow get to the interior of this country, you are also allowed to stay under President Obama's policies, which are not to deport anybody unless they have been arrested for a serious crime, maybe even limited to a serious felony.

As the President's former ICE Director John Sandweg explained, “If you are a run-of-the-mill immigrant here illegally, your odds of getting deported are close to zero.” In order to be deported from the interior, you basically have to commit a serious criminal offense. Otherwise, you are mostly free to enter illegally, work illegally, and even collect benefits like the additional child tax credit. The Treasury Department inspector general said that loophole should be eliminated, and we could do so, but Congress and the majority in this Senate have refused to allow us to do so.

Chris Crane, the head of the ICE officers association—that is Immigration and Customs Enforcement officers who do all the work on the interior of the country and help in other areas too—testified before Congress:

Most Americans would be surprised to know that immigration agents are regularly prohibited from enforcing the two most fundamental sections of the United States immigration law. According to ICE policy, in most cases immigration agents can no longer arrest persons solely for entering the United States illegally. Additionally, in most cases immigration agents cannot arrest people solely because they have entered the United States with a visa and then overstayed that visa and failed to return to their country. Essentially, only individuals charged or convicted of very serious criminal offenses by other law enforcement agencies may be arrested or charged by ICE agents and officers for illegal entry or overstay.

This is a very serious matter. This has not been the policy of America; it

is the policy President Obama has directed through his top administrative officials down to the very officers on the street.

Furthermore, if you show up at the border and simply turn yourself in, you are often released into the interior of the country.

A recent newspaper in New Jersey interviewed a 27-year-old illegal immigrant from Honduras. The newspaper wrote that he had “arrived in Freehold Borough 15 days ago from Honduras.” The article says he “left behind his parents and 10 brothers and sisters,” but “he is hoping his family will join him at some point in the future.”

Once illegal immigrants have been released into the interior, they frequently do not show up for court hearings. The National Review reports that “in one day at a Los Angeles immigration court last week, Judge Ashley Tabaddor heard the cases of nearly 40 illegal immigrant minors, but none of the children appeared in court, according to the Los Angeles Times.” None of them came to appear in court.

The article goes on to say:

In each case, the illegal immigrant was thought to have settled elsewhere, and the judge reportedly decided not to deport the children in absentia. Instead, the judge—who declined to speak with National Review Online, citing Justice Department policy—reportedly issued change-of-venue orders in each case.

That basically means nothing. If you fail to show up in court for a DUI or for a speeding ticket or for a reckless driving ticket, a warrant is issued for your arrest. That is what happens in America throughout this Nation, and that is what should happen. But when a person who enters the country unlawfully is released and asked to show up at a hearing at some date in the future, and then doesn't show up, the judge apparently transfers it to some other district on the assumption the individual has moved to some other place. How do they know where they are? And nobody will go out and look for them. There is nobody looking for these individuals. They are not even able to put a warrant in the National Crime Information Center because they probably don't even have their true name or any ability to identify them. It is a complete capitulation to lawlessness.

But there are more ways, unfortunately, to get into the country illicitly. Our asylum system is plagued by fraud. The House Judiciary Committee reported this:

Asylum approval rates overall have increased dramatically in recent years. Approval rates by asylum officers have increased from 28 percent in 2007 to 46 percent in 2013 and approval rates by immigration judges in affirmative cases have increased from 51 percent in 2007 to 74 percent in 2013. Combining both of these approval rates, the vast majority of aliens who affirmatively seek asylum are now successful in their claims.

The report goes on:

This does not even take into account appeals to the Board of Immigration Appeals or

federal courts. At the same time, an internal Department of Homeland Security report shows that at least 70 percent of asylum cases contain proven or possible fraud.

Our system as it is being run today is not lawful, it is not principled, it does not have integrity, and it has no ability to carry out the wishes of the American people—which has always been to have a system that is effective and lawful and serves the national interests.

And remember, all of these entries are in addition to the huge flow of annual permanent immigration into the United States as well as work authorization. That is all in addition to the lawful flow that we have. Between 2000 and today, the U.S. Government issued nearly 30 million lawful visas for individuals and their relatives to either live permanently in the United States or to come to take a job. We are a generous Nation. We have a very generous immigration policy—more than any nation in the world. And the American people have the right to expect that our laws are enforced, that we don't have open borders. They have never believed in that, and no official, to my knowledge, will stand up publicly and advocate for that, although many of the policies being promoted would result in just that.

Now consider what will happen to our system if the President goes through with his plan to provide work authorizations for another 5 million people living illegally in the United States. What immigration law will be left, colleagues? The government is not enforcing visa overstays, illegal entries, illegal work, or asylum fraud. And now the President is just going to start printing millions of work permits for people illegally in the country—after Congress has loudly declared “no.”

Congress has refused to pass his plan. What is the President's excuse for wanting to do this unlawful act? He says Congress won't act. But Congress acts when it refuses to do something the President decides. That is an act of Congress, and Congress has declined to provide amnesty in the method the President asked for and has been advocating for. Therefore, he is not given any power to ignore current law that he wishes to change and Congress didn't change.

This is very serious. I say to my colleagues—Republicans, Democrats—this is more than a dispute over who should enter and what kind of amnesty we should have, if any; it is a challenge to the integrity of our constitutional order and a challenge to this Senate.

If the President persists in his plan, any one ICE officers come into contact with will simply assert protections and eligibility under this new Executive action. Now, get this. So we are going to give amnesty to 5 million or 6 million people. Well, if there are 11 million, 12 million people here today, what happens to the other 5 million to 6 million? If any ICE officer comes into contact with them, those individuals will assert they are entitled to protections and eligibility under the new Executive action. New illegal immigrants will flood across, as they did after the

President's Executive amnesty for people under the age of 30 because they will believe—correctly, it appears to me—that if they can get into the country unlawfully, they will never be deported. They will wait until the President—this President or the next President or some other President—gives them work privileges in the United States to take jobs that Americans need to be doing at a time of extraordinarily high unemployment, at a time when we have the lowest workplace participation rate since the 1970s. Illegal immigrants won't even have to wait for Congress to pass amnesty if this goes through.

So I ask: What immigration law will be left? The President has simply decided—on his own, without Congress or legal authority—that the immigration laws protecting the jobs and wages of U.S. workers won't exist anymore. The President has taken it upon himself to decide who can enter the United States and who can work in the United States—by the millions—regardless of what laws have been passed. The President often talks of justice, but one of the gravest injustices that has been done is to deny the American people the protections of their laws. The laws on the books in America today are the laws of the people of the United States, and they protect working people from job competition at a time of high unemployment.

My message to the American people today is this. You can stop it. We can stop it, together. We will not let this lawlessness stand, and that fight begins with a vote on the House-passed bill just last Friday to block this new Executive action the President would undertake. The Senate cannot be allowed to surrender to the President's lawlessness. It cannot. So I am calling today on every Senator to support this bill from the House and to demand that Majority Leader REID call it up, and let's have a vote. Every American needs to know where their leaders stand on this issue.

Let me share a message with my friends on the other side of the aisle. Each of my colleagues on the other side of the aisle will have to decide whether they work for Majority Leader REID, whether they work for the President of the United States, or whether they work for their constituents.

I remember in 2007 when President Bush got it in his head that we had to

have amnesty, without being able to present any compelling reason for us to believe the lawlessness would end in the future—and that effort failed. Three-fourths, I believe, or at least well more than half of the Republicans, opposed their President on this. Why shouldn't Democrats now stand up and oppose President Obama if he is overreaching in his policies?

So I will ask this. Will my Democratic colleagues protect the jobs of the American people? Will they protect the borders of this Nation and, in essence, the sovereignty of this Nation? Will my colleagues demand the Senate leader bring this House bill up for a vote? If my colleagues oppose these Executive actions, as some on the other side of the aisle have indicated they do, there is only one way to demonstrate it with integrity: Support the House bill and demand it receive a vote in the Senate.

There is nothing in that bill that is wrong or unprincipled or improper. There are two bills coming over from the House—a good bill that improves the technical enforcement issues that are at the border today that are making it hard to enforce the law. They improve that in one piece, and they provide almost \$700 million in funding to help improve that situation and take care of the humanitarian need there. But they passed a second bill that simply uses a traditional congressional power to bar the President of the United States and any of his officers from spending moneys of the United States to execute some amnesty or work permit program.

Every member of the public—whether in a red State or a blue State or a purple State—ought to call their Member of Congress and Senators and ask them where they stand on this issue. Ask them if they support the House bill to block this executive amnesty that would be contrary to law, contrary to heritage, contrary to the President's own words on more than one occasion. Will your elected representatives demand that we at least have a vote in the Senate? You are a citizen of this country. You are entitled to a clear answer to the question.

We work for the people, and I believe the people are not happy with us. I be-

lieve the people rightly believe this Nation should have a principled immigration policy, one that is enforced and carried out fairly and objectively, that serves the national interest, an immigration policy where a person in another country who wants to come to the United States can read the requirements and submit an application, and if they meet those requirements and meet the limits of our law can be admitted to America, and those who do not, are not.

That is what nations all over the world have. There is not anything wrong with that. No nation, particularly any developed nation, can just open its borders to every individual who would like to come here. It just cannot be done. The American people have a right to expect that. That is what they have wanted, that is what they have demanded of their Presidents and their Congresses for 40 years, and that is what the powers that be, the masters of the universe, surreptitiously and openly and otherwise have blocked, refused to give them. They are entitled to that. I believe it truly, and I believe they will get it.

This issue is not going away. We are going to confront it here in the Senate. I believe in the end the American people will be able to hold to account those who do not support a lawful system of immigration.

I thank the Chair and yield the floor.

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ADJOURNMENT UNTIL FRIDAY,  
AUGUST 8, 2014, AT 9:15 A.M.

The ACTING PRESIDENT pro tempore. The Senate stands adjourned until Friday, August 8, 2014, at 9:15 a.m.

Thereupon, the Senate, at 11:34 a.m., adjourned until Friday, August 8, 2014, at 9:15 a.m.

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#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

JORGE LUIS ALONSO, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE RONALD A. GUZMAN, RETIRING.  
JOHN ROBERT BLAKEY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE JAMES HOLDERMAN, RETIRED.